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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KAVASUTRA 6th STREET, INC. and
KAVASUTRA 10th STREET, INC.,

Plaintiffs,

-against-

ERIC ADAMS as MAYOR OF THE CITY
OF NEW YORK; the CITY OF NEW YORK;
ASHWIN VASAN as COMMISSIONER OF
THE NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE; and
the NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE,

Defendants.

1:23-CV-6359 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on August 23, 2023, the parties appeared for oral argument on Plaintiffs' motion for a preliminary injunction ("PI") to, *inter alia*, enjoin Defendants "from restricting, interfering, harassing, or otherwise preventing the sale of Kava" at Plaintiffs' establishments, *see* Dkt. 6;

WHEREAS on August 9, 2023, Defendants cross-moved to dismiss the Complaint and opposed the motion for a PI, *see* Dkt. 17;

WHEREAS on August 31, 2023, Plaintiffs filed an amended complaint, *see* Dkt. 27; and

WHEREAS on September 14, 2023, Defendants answered the amended complaint, *see* Dkt. 27.

IT IS HEREBY ORDERED that Defendants' motion to dismiss the complaint, Dkt. 17, is DENIED as moot.

The Court reminds the parties that, as per the Court's August 23, 2023, order, the parties must appear for a status conference on **Friday, November 3, 2023 at 10:00 A.M.** in Courtroom

443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. The parties must submit a joint letter in advance of the conference by no later than **October 26, 2023**.

For requirements of the joint letter, please see docket entry 25.

The Clerk of Court is respectfully directed to terminate the open motion at docket entry 17.

SO ORDERED.

Dated: September 15, 2023
New York, New York



VALERIE CAPRONI
United States District Judge